

Senate File 232 - Introduced

SENATE FILE _____
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Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring drug testing for persons applying or receiving
2 state assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2079XS 83
5 ec/rj/8

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1 1 Section 1. NEW SECTION. 77.1 STATE ASSISTANCE == DRUG
1 2 TESTING REQUIREMENT.
1 3 1. For purposes of this section, unless the context
1 4 otherwise requires:
1 5 a. "Department" means the applicable state department,
1 6 institution, or agency providing state aid.
1 7 b. "Drug" means the same as defined in section 730.5.
1 8 c. "State aid" means any form of financial benefit, aid,
1 9 or assistance provided to a person by a state department,
1 10 institution, or agency.
1 11 2. As a condition of eligibility for an applicant or
1 12 participant to receive state aid, the applicant or participant
1 13 shall, if not otherwise prohibited by law, agree to
1 14 participate in drug testing in accordance with this section.
1 15 3. The department shall implement a program of drug
1 16 testing of persons subject to subsection 2. The program shall
1 17 include but is not limited to all of the following:
1 18 a. Random drug testing of existing participants.
1 19 b. Drug testing of all applicants.
1 20 c. Drug testing shall include confirmation of any initial
1 21 positive test results. Any confirmatory test shall be
1 22 performed using a chromatographic technique such as gas
1 23 chromatography/mass spectrometry or another comparably
1 24 reliable analytical method.
1 25 4. An applicant or participant subject to the provisions
1 26 of subsection 2 who has a confirmed positive test result for a
1 27 drug that was not lawfully prescribed for the person, shall be
1 28 ineligible for state aid. The period of ineligibility
1 29 applicable to a person shall continue until the person has a
1 30 negative test result for the drug for which the person had a
1 31 confirmed positive test result.
1 32 5. A person's positive test result obtained under this
1 33 section shall not be used as evidence in any criminal action
1 34 involving the person.
1 35 6. The applicable department shall adopt rules to
2 1 administer this section. The rules shall include but are not
2 2 limited to all of the following:
2 3 a. Testing procedures to ensure collection of test samples
2 4 is performed under sanitary conditions, with regard for the
2 5 privacy of the person providing the sample, and in a manner
2 6 reasonably calculated to preclude contamination or
2 7 substitution of the sample. Test samples shall be split at
2 8 the time of collection to permit confirmatory tests of the
2 9 sample. The department shall establish standards for analysis
2 10 of samples and for determining test results to be positive.
2 11 b. Labeling and other documentation of test sample
2 12 collections so as to reasonably preclude the possibility of
2 13 misidentification of the person tested in relation to the test
2 14 result provided, and requirement for samples to be handled and

2 15 tracked in a manner such that control and accountability are
2 16 maintained from initial collection to each stage in handling,
2 17 testing, and storage, through final disposition.
2 18 c. A person being tested shall be given an opportunity to
2 19 provide any information which may be considered relevant to
2 20 the test, including identification of prescription or
2 21 nonprescription drugs currently or recently used, or other
2 22 relevant medical information. To assist a person in providing
2 23 the information described in this paragraph, the department
2 24 shall provide the person with a list of the drugs for which
2 25 the person is tested.
2 26 d. A medical review officer shall review and interpret any
2 27 confirmed positive test results, including both quantitative
2 28 and qualitative test results, to ensure that the chain of
2 29 custody is complete and sufficient on its face and that any
2 30 information provided by the person pursuant to paragraph "c"
2 31 is considered.
2 32 e. A procedure to provide written notification to a person
2 33 of the results of a confirmed positive drug test by certified
2 34 mail or other verifiable means. The notification shall
2 35 include the person's right to request and obtain a second
3 1 confirmatory test at an approved laboratory of the person's
3 2 choice. If the results of the second test do not confirm the
3 3 results of the initial confirmatory test, the initial
3 4 confirmatory test shall not be considered a confirmed positive
3 5 drug test.
3 6 f. The department shall prohibit a laboratory or other
3 7 medical facility reporting information to anyone other than
3 8 the department or the tested person relating to the results of
3 9 a drug test conducted pursuant to this section.
3 10 g. A procedure to address incidents of false positive
3 11 tests.
3 12 h. A procedure to ensure the confidentiality of test
3 13 results, including but not limited to specifying those with
3 14 access to test result information.
3 15 i. Other procedures to administer this section in a fair
3 16 and reliable manner.

3 17 EXPLANATION

3 18 This bill establishes a requirement that individuals
3 19 applying and receiving state aid participate in drug testing
3 20 if such drug testing is not otherwise prohibited by law.
3 21 The bill defines the term "drug" as having the same meaning
3 22 as the definition in Code section 730.5, relating to
3 23 private-sector drug-free workplaces, which is any drug on
3 24 schedules I through V of the federal Controlled Substances
3 25 Act. "State aid" is defined as any form of financial benefit,
3 26 aid, or assistance provided to a person by a state department,
3 27 institution, or agency.
3 28 Each applicable state department, institution, or agency
3 29 providing state aid shall implement a drug testing program for
3 30 the persons subject to the eligibility requirement. The
3 31 program is to include random drug testing of participants and
3 32 drug testing of all applicants. Drug testing includes
3 33 confirmation of any positive result with a
3 34 chromatographic/mass spectrometry technique or comparable
3 35 method.

4 1 If an applicant or participant subject to the bill's
4 2 requirements has a confirmed positive test result for a drug
4 3 that was not lawfully prescribed for the person, the applicant
4 4 or participant is ineligible for state aid. The period of
4 5 ineligibility continues until the person has a negative test
4 6 result for the drug for which the person had a confirmed
4 7 positive test result.

4 8 The bill prohibits a person's positive test result obtained
4 9 under the bill's provisions from being used as evidence in any
4 10 criminal action involving the person.

4 11 The department is directed to adopt rules to administer the
4 12 provisions of the bill. The rules are to address collection,
4 13 labeling, and other documentation of test samples,
4 14 notification concerning test results, interpretation of test
4 15 results, prohibition against laboratory disclosure of test
4 16 results, other confidentiality provisions, procedure to
4 17 address incidents of false positive tests, and other
4 18 procedures for fairness and reliability.

4 19 LSB 2079XS 83

4 20 ec/rj/8